

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

PHILLIPS ORMONDE & FITZPATRICK
367 Collins Street
MELBOURNE VIC 3000

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

	Date of mailing (day/month/year)	18 FEB 2004
--	-------------------------------------	-------------

	FOR FURTHER ACTION See paragraph 2 below
--	--

Applicant's or agent's file reference 711255	
---	--

International application No. PCT/AU2004/000003	International filing date (day/month/year) 6 January 2004	Priority date (day/month/year) 7 January 2003
--	--	--

International Patent Classification (IPC) or both national classification and IPC Int. Cl. 7 B65D 39/00; B67B 1/03

Applicant

PROCORK PTY LTD et al

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer A. SEN Telephone No. (02) 6283 2158
---	---

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000003

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000003

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 2-7, 11-13, 15-24, 28-62	YES
	Claims 1, 8-10, 14, 25-27	NO
Inventive step (IS)	Claims 28-62	YES
	Claims 1-27	NO
Industrial applicability (IA)	Claims 1-62	YES
	Claims	NO

2. Citations and explanations:

NOVELTY (N): Claims 1, 8-10, 14, 25-27

(a) FR 1022562: Claims 1, 8-10, 14, 25-27

Please refer in particular to page 2, second paragraph, and figures.

The citation discloses all of the essential features of each of the claims listed alongside.

INVENTIVE STEP (IS): Claims 1-27

Claims 1, 8-10, 14, 25-27: as above

(b) JP 01156003: discloses a method of cutting to size a film suitable for bonding with more than one stopper at a time

(c) EP 046922: discloses at column 3, lines 20-23, a method of attaching a film to a stopper by means of adhesive

(d) GB 420628: discloses at page 4, lines 105-116; page 5, lines 16-20, 113-120; a method of attaching a pad to a cap by means of adhesive

(e) WO 2000/064647: discloses at page 14/15 methods of curing stopper-film combinations

(f) US 4312824: discloses at column 3, lines 49-61, a cooling plate to press a film

Claims 2-4, 22-24, each lack an inventive step with respect to citation (a); Claims 1-4, 8-10, 14-16, 22-27, each lack an inventive step with respect to citation (b). The invention defined in each claim is merely a variation of the invention disclosed in each citation and the person skilled in the art (PSA) would arrive at the claimed invention by means of general experimentation alone involving no ingenuity.

Claims 5-7, 11-13 each lack an inventive step when either citation (a) or citation (b) is combined with either citation (c) or citation (d); Claims 17, 19, 20 each lack an inventive step when either citation (a) or citation (b) is combined with citation (e); Claims 18, 21 each lack an inventive step when either citation (a) or citation (b) is combined with citation (e) *and* citation (f), such combination being obvious to the PSA.

Please refer to 'P' documents in Box VI.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/000003

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
(X, Y) WO 2003/004367	16 January 2003	3 July 2002	4 July 2001
(Y) WO 2003/074379	12 September 2003	6 March 2003	6 March 2002

Claims 1-4, 8-10, 14, 15, 22, 25-29, 31, 32, 34, 37, 38, 40, 41, 48, 49, 51, 53, 61 would lack novelty with respect to the first citation above; Claims 5-7, 11-13, 42-47, 52 would lack an inventive step with respect to the first citation when combined with the second citation above.

Claims 5-7, 11-13, 42-47, 52 each lack an inventive step when the first citation is combined with either citation (c) or (d); Claims 17, 19, 20, 55 each lack an inventive step when the first citation is combined with citation (e); Claims 18, 21, 56-58 each lack an inventive step when the first citation is combined with citation (e) and citation (f).

2. Non-written disclosures (Rules 43bis.1 and 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>